

## Phosphorus Compliance Bill Summary

1. **Objectives.** Provide an additional phosphorus compliance option for point sources that can provide the following:
  - Certainty for planning and implementation
  - Avoid large capital and operating costs with advanced treatment
  - Make real progress in reducing phosphorus from point and nonpoint sources
2. **Basic Structure.** Utilize a multi-discharger variance concept similar to that used in Wisconsin for chlorides and in Montana for phosphorus. The key elements would be:
  - A statewide finding on economic impact by the Department of Administration in consultation with DNR. The finding would be reviewed every 5 years.
  - An opt-in provision for permittees if they certify that they cannot meet the WQBEL for phosphorus without a major facility upgrade.
  - A requirement for interim limits similar to that used in adaptive management
  - A requirement for phosphorus reduction in nonpoint sources undertaken by the permittees
  - Like Montana, the variance extends for 20 years (four permit terms)
3. **Interim limits.** Interim limits would be based on:
  - Achieving decreasing phosphorus levels over the four permit terms at 0.8 mg/l; 0.6 mg/l; 0.5 mg/l and final WQBEL compliance.
  - If a permittee certifies that it cannot meet the next interim limit level without a major facility upgrade, the last achievable interim limit stays in effect until the end of the fourth permit term at which time the WQBEL takes effect.
4. **Phosphorus reductions.** In addition to achieving the interim limit, permittees would be responsible for achieving reductions of phosphorus from nonpoint sources equal to the difference of their current actual discharge level and a target value of 0.2 mg/l (based on the Fox TMDL point source level). Such reductions could be achieved by any of the following:
  - Payment of \$50/pound to counties within the discharger's basin to provide cost share dollars and staff for nonpoint implementation in accordance with NR 151.
  - A project approved by DNR implemented by the permittee that results in a phosphorus reduction.
  - A project approved by DNR implemented by a third party that results in a phosphorus reduction.
5. **Payments to Counties.** Dischargers would pay funds to each of the counties within the dischargers basin (HUC 8) based on the percentage of land the county has within the basin. These payments would be subject to the following restrictions:
  - At least 65% of the funds must be used for cost share dollars
  - The counties must target the funds to facilities or practices which can achieve the greatest phosphorus reductions.
  - The counties must report results to DNR, point sources and DATCP. If counties are not achieving results, DNR can redirect part or all of the funding to other counties within the basin.
5. **Existing permits.** Provisions to allow existing permittees to opt into this variance.